

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 13, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:05 a.m. Mayor Murphy recessed the meeting at 10:46 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:17 a.m. with all members present. Mayor Murphy adjourned the meeting at 11:21 a.m. to convene the Council Workshop thereafter.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
 - (1) Council Member Peters-present
 - (2) Council Member Wear-present
 - (3) Council Member Atkins-present
 - (4) Council Member Stevens-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Freeman.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell made comments regarding funding and municipal bonds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A286-336.)

PUBLIC COMMENT-2:

Mel Shapiro made comments regarding the City budget and revenue laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A337-389.)

PUBLIC COMMENT-3:

Ron Boshun made comments regarding City Council Behavior.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-444.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Madaffer made comments regarding the Vander Salom Apartment Dedication in the Fox Canyon neighborhood and how great a redevelopment project this turned out to be.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A445-473.)

COUNCIL COMMENT-2:

Council Member Stevens made comments regarding Budget cuts, bonding, and balancing the budget.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A474-507.)

COUNCIL COMMENT-3:

Council Member Peters thanked the City Attorney's Office for their good work in winning a law suit against the City which involved a dispute with a contractor in one of the City's major sewer projects City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A538-558.)

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn made comments regarding Mike McGuinnes, head of the City's Construction Litigation Team who was involved in a dispute with a contractor in one of the City's major sewer projects. The contractor was suing the City for \$1.7 million dollars. The jury trial ended in the City's favor and the case was dismissed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A508-537.)

CITY MANAGER COMMENT:

City Manager Uberuaga briefly commented on some of the public comments as they pertain to City Finances and the Ballpark.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A559-589.)

ITEM-310: Dr. Homer and Betty Peabody Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-485) ADOPTED AS RESOLUTION R-295705

Saluting the Balboa Park Millennium Society for its dedication to Balboa Park,
and congratulating the Balboa Park Millennium Society on its first annual awards
luncheon;

Honoring Dr. Homer and Betty Peabody for their longstanding commitment to
Balboa Park and proclaiming November 6, 2001 to be "Dr. Homer and Betty
Peabody Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-116.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-311: God Bless America Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-587) ADOPTED AS RESOLUTION R-295706

Proclaiming November 18 through 24, 2001 as "God Bless America Week" in the
City of San Diego, and urging all citizens to join together in an expression of
thanks for these blessings, and further asking that they show honor to the flag and
otherwise demonstrate their patriotism to our country.

SUPPORTING INFORMATION:

"God Bless America Week" is dedicated to the rebirth of patriotism in America by providing and operating for the patriotic resurgence by Americans of all faiths and races and to create a magnitude of pride in each and every American for the bountiful blessings and God given principles for which this country stands. In order to manifest these principles to all Americans, the week of November 18-24, 2001 will be set aside and dedicated in order that all citizens may reflect upon the blessings which are ours as Americans. The City of San Diego, as American citizens will observe November 18-24, 2001 as a day to demonstrate the love of principles of freedom, justice, and liberty, upon which the United States of America was founded. Citizens are encouraged to personally contribute to this spirit of patriotism by flying the American flag throughout the week as an expression of thanks for blessings we enjoy as Americans. Therefore, proclaiming November 18-24, 2001 as "God Bless America Week" in the City of San Diego, and inviting the citizens of San Diego to take time to reexamine the principles on which this country was founded and to recognize our great heritage.

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FILE LOCATION:

AGENDA

COUNCIL ACTION

(Tape location: A117-209.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Eight actions related to the Ballpark Redevelopment Project.

(See City Manager Report CMR-01-239.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-550) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution authorizing and approving (a) a POS with respect to the issuance of Ballpark Bonds by the Authority to finance a portion of the City's contribution to the Ballpark Project; and (b) the marketing of the Ballpark Bonds to investors as tax-exempt or taxable obligations, either in a private placement or public offering.

Subitem-B: (R-2002-636) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution authorizing and approving a CDA between the City and the trustee for the project with respect to the issuance of Ballpark Bonds by the Authority to finance a portion of the City's contribution to the Ballpark Project.

Subitem-C: (R-2002-515) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting resolutions on behalf of the City and Agency authorizing and directing the execution of the Second Implementation Agreement.

NOTE: See the Redevelopment Agency Agenda of November 13, 2001 for a companion item to Subitem C.

Subitem-D: (R-2002-594) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution declaring the City's intent to reimburse itself for certain contributions to the Ballpark Project in the event refunding bonds are issued with respect to the Ballpark Bonds.

Subitem-E: (R-2002-643) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution authorizing the repayment of loans totaling \$40.2 million to the City, and the acceptance of loans totaling \$40.2 million from the Agency.

Subitem-F: (R-2002-645) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution revising CIP-39-228.0, Ballpark and Redevelopment Project; authorizing the appropriation of funds as detailed in the revised CIP, and set forth in Attachment A to the City Manager's Report No. CMR-01-239, for the

purpose of funding expenses associated with the City's contribution to the Ballpark Project; and on a temporary basis authorizing the City Manager and City Auditor and Comptroller to utilize available funds as necessary for these purposes, until such time as appropriated funds anticipated to come into the treasury for such purposes are available.

Subitem-G: (R-2002-646) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution authorizing the City Manager, and the City Auditor and Comptroller to take certain actions on behalf of the City, if necessary, to meet the City's obligations with respect to Ballpark Project costs if the City is unable to meet certain conditions relating to a surety bond policy for the Ballpark Bonds.

Subitem-H: (R-2002-647) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Adopting a resolution authorizing the City Manager, and the City Auditor and Comptroller to take certain actions on behalf of the City if necessary, to purchase and develop the Surface Lots if the Port does not purchase the lots under the Purchase and Sale Agreement.

FILE LOCATION: Subitems A-H: NONE.

COUNCIL ACTION: (Tape location: A590-609.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, NOVEMBER 20, 2001 FOR THE PUBLIC AND CITY COUNCIL TO BE UPDATED. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Approving the Financing and Refinancing of the Centre City Redevelopment Project and Approving a Tax Agreement.

(See memorandum from CCDC dated 10/31/2001. Centre City Redevelopment Project Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-642) ADOPTED AS RESOLUTION R-295707

Approving the financing and refinancing of the Centre City Redevelopment Project by the Redevelopment Agency of the City of San Diego and approving a Tax Agreement with the Agency.

NOTE: See the Redevelopment Agency Agenda of November 13, 2001 for a companion item.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B382-398.)

MOTION BY STEVENS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Ballpark and Redevelopment Project - Amendment to the Financial Advisory Services Agreement.

(Centre City East Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-529) CONTINUED TO TUESDAY, NOVEMBER 20, 2001

Authorizing the City Manager to execute an amendment to the agreement between the City and A.G. Edwards, for Financial Advisory Services concerning the Ballpark and Redevelopment Project;

Authorizing the expenditure of an amount not to exceed \$130,000 from Ballpark Project Fund 102214.

CITY MANAGER SUPPORTING INFORMATION:

The City desires to amend the agreement with A.G. Edwards to increase total expenditures for financial services relating to the Ballpark & Redevelopment Project by \$130,000. These additional expenditures include \$115,000 for fees and \$15,000 for expenses. Of this \$130,000 increase in total expenditures, \$80,000 will be allocated to A.G. Edwards and \$50,000 to Kitahata & Company. The need for these additional financial advisory resources stems from the complex nature of the financing for the Ballpark Project.

FISCAL IMPACT:

The amended agreement between the City and A.G. Edwards will increase total expenditures to a not to exceed amount of \$640,000 for fees and \$87,500 for expenses for a total contract amount of \$727,500. Funds are currently available in the Entertainment/Sports Center - Ballpark Project Fund.

Total fiscal impact for this action is \$130,000. Total costs for these services will be paid out of the Entertainment/Sports Center - Ballpark Project Fund.
Frazier/Vattimo/EK/JW

Aud. Certs. 2200402/2200403.

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: A590-609.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, NOVEMBER 20, 2001 FOR THE PUBLIC AND CITY COUNCIL TO BE UPDATED. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-350: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney

Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-351: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Valley Neighborhood 4, Unit 6
Carmel Valley Neighborhood 6, Unit 10

COMMUNITY AREA

Carmel Mountain Ranch
Carmel Mountain Ranch

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

*** ITEM-S400: Appointments and Reappointments to the Commission for Arts and Culture.**

(See memorandum from Mayor Murphy dated November 2, 2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-644) ADOPTED AS RESOLUTION R-295708

Council confirmation of the following appointments by the Mayor to serve as members of the Commission on Arts and Culture, for terms ending August 31, 2003:

REAPPOINTMENTS

Jeff Dunigan
Dr. Joyce M. Gattas
Faye H. Russell

APPOINTMENTS

Claire Anderson
(Replacing Judith C. Harris, whose term has expired)

Aida M. Mancillas
(Replacing Calvin Manson, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-283.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

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ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 11:21 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B398.)